

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL SEIDMAN	:	CIVIL ACTION NO.
8641 Temple Road	:	
Philadelphia, PA 19150	:	
	:	
Plaintiff,	:	
v.	:	JURY TRIAL DEMANDED
	:	
CITY OF PHILADELPHIA	:	
One Parkway	:	
1515 Arch Street	:	
Philadelphia, PA 19102-1595	:	CIVIL ACTION COMPLAINT
and	:	
PHILADELPHIA POLICE DEPARTMENT :	:	
One Parkway	:	
1515 Arch Street	:	
Philadelphia, PA 19102-1595	:	
Defendants.	:	

JURISDICTION

This action is brought pursuant to 42 U.S.C. Section 1983. Jurisdiction is based upon 28 U.S.C. Section 1331 and 1343(1), (3), (4), and the aforementioned statutory provision. Plaintiff further invokes the pendent and ancillary jurisdiction of this Court to hear and decide claims arising under state law.

VENUE

Venue is proper under 28 U.S.C. Section 1391(b) because the cause of action upon which the Complaint is based arose in Philadelphia, Pennsylvania which is in the Eastern District of Pennsylvania.

PARTIES

1. Plaintiff, Daniel Seidman, is a citizen and resident of the City of Philadelphia, Philadelphia County and the Commonwealth of Pennsylvania.

2. Defendant City of Philadelphia is a municipality in the City of Philadelphia, Philadelphia County existing under the laws of the Commonwealth of Pennsylvania.
3. At all times relevant herein the aforementioned Defendant employed the Police Officers who were at all times relevant hereto officers with the City of Philadelphia Police Department and are being sued both individually and as officers, agents and/or employees of the City of Philadelphia.
4. On March 14, 2008 at approximately 9:30 p.m. Plaintiff, was entering a friend's house on Marsden Street in Philadelphia, Pennsylvania when he was detained and assaulted by Defendant officers of the Philadelphia Police Department.
5. At the aforementioned time and place, Defendants, acting through their agents, servants, workmen and/or employees, all in the course and scope of their duties, viciously assaulted the Plaintiff, kicking him and striking him with a flashlight.
6. The assault upon Plaintiff committed by Defendants was conducted in a violent and abusive manner.
7. As a direct and proximate result of the aforementioned acts and omissions of the Defendants, Plaintiff, suffered and continues to suffer from the following injuries including but not limited to:
 - A. Severe degradation, humiliation, embarrassment, emotional stress and anxiety;
 - B. Extreme fear, anxiety and paranoia especially upon seeing police officers and constables;
 - C. Damage to his reputation as a good, honest and law abiding citizen;

- D. Having been and may continue to be prevented to attending to some or all of his usual daily activities to his great detriment and loss;
 - E. Facial trauma;
 - F. Post-Traumatic Stress/Anxiety Syndrome including but not limited to sleeplessness, dizziness, nausea and feelings of despair.
 - E. Injuries to his nerves and nervous system;
8. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff, has been obliged to and may continue to expend various sums of money and to incur various expenditures for medical expenses for an indefinite period of time in the future, to his great detriment and loss.
9. As a direct and proximate result of the aforementioned actions of Defendants, Plaintiff, has suffered a severe loss of earnings and impairment of his earning capacity or power, which will continue for an indefinite period of time in the future to his great detriment and loss.
10. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff, will thereafter incur other financial expenses and losses.
11. As a direct and proximate result of the aforementioned actions of the Defendants, Plaintiff, has suffered agonizing aches, severe physical trauma and pains, contusions, bruises, numbness, disability, mental anguish, humiliation and emotional distress and he will continue to suffer the same for an indefinite time in the future, to his great detriment and loss.

COUNT I
42 U.S.C. SECTION 1983 AND 1988

12. Paragraphs 1 through 11 are incorporated herein by reference as though fully set forth herein at length.
13. As aforementioned, Defendants, acted in the course and scope of their employment, under the color of state law, and pursuant to the customs, policies and practices of the Defendant, City of Philadelphia, intentionally and maliciously assaulted Plaintiff and detained Plaintiff without probable cause, without due process of law and depriving him of the equal protection of the law and depriving them of the privileges and immunities afforded to citizens of the United States, all of which actions violated the Plaintiff's rights under the Fourth, Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, laws of the United States and in violation of 42 U.S.C. Section 1983.

WHEREFORE, pursuant to 42 U.S.C. Section 1983 and Section 1988 Plaintiff, Daniel Seidman demands compensatory and punitive damages against all named Defendants in an amount in excess of \$75,000.00.

COUNT II
EXCESSIVE FORCE
42 U.S.C. SECTION 1983 AND 1988

14. Paragraphs 1 through 13 are incorporated herein by reference as though each were fully herein set forth at length.
15. The injuries and damages aforementioned were caused solely and exclusively by the carelessness and negligence of the Defendants its police officers, constables agents and/or employees. In addition to that mentioned above consisted of the following:
 - A. Failing to restrain the unreasonable seizure of persons without probable

cause, without valid warrants by Defendants, police officers and/or constables;

- B. Failing to restrain the unreasonable seizure of property without probable cause, without valid warrants by Defendants, police officers and/or constables;
- C. Failing to properly supervise and/or control police officers and/or other agents of Defendant City of Philadelphia;
- D. Using excessive force and inappropriate means by which to subdue Plaintiff and take him into police custody;
- E. Failing to properly train, test and/or select police officers and/or constables;
- F. Failing to exercise due care for the Plaintiff's safety under the circumstances;
- G. Failing to prevent Plaintiff from being falsely invaded, falsely imprisoned and maliciously prosecuted by its officers where Defendants knew or had reason to know the previous conduct of said officers;
- H. Otherwise acted without due regard for the rights, safety and position of the Plaintiff herein; and
- I. Otherwise violating the ordinances of the City of Philadelphia and statutes of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff, Daniel Seidman, demands judgment against all Defendants jointly and severally in an amount in excess of \$75,000.00 plus costs, attorney fees and delay damages.

COUNT III
FALSE ARREST AND FALSE IMPRISONMENT

16. Paragraphs 1 through 15 are incorporated herein by reference as if each were set forth herein at length.
17. Defendants' actions were without probable cause or legal justification.
18. As a direct and proximate result of the malicious and intentional acts of the Defendants and their employees, Plaintiff suffered injuries which are described above.
19. The above described actions of Defendants, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiff's rights and well-being that the imposition of punitive damages is warranted against Defendants..

WHEREFORE, Plaintiff, demands compensatory and punitive damages against the Defendants jointly and severally to the common law torts of false arrest and false imprisonment and in an amount in excess of \$75,000.00 plus costs, interest, attorney fees and delay damages.

COUNT IV
INFLECTION OF EMOTIONAL DISTRESS
42 U.S.C. SECTION 1983 AND 1988

20. Paragraphs 1 through 19 are incorporated herein by reference as if each were fully herein set forth at length.
21. Plaintiff believes and therefore avers that Defendants did inflict serious emotional distress upon the Plaintiff in a careless and reckless manner.
22. As a direct result of the actions of the Defendants, Plaintiff has been caused

severe emotional damage and experienced great emotional trauma.

23. Due to the negligence and recklessness of Defendant City of Philadelphia individually and by and through the actions of the Defendants, consisted inter alia of the following:

- A. Failing to have an existence and/or maintain proper personnel training procedures necessary to prevent this type of conduct;
- B. Failing to instruct and supervise their police officers in dealing with members of the public;
- C. Failing to restrain use of force and unlawful seizures of persons by Defendant police officers and/or constables; and
- E. Carelessly, recklessly and negligently employing, training, supervising and implementing personnel policies and procedures as discovery will disclose and Plaintiff hereby reserves the right to include other causes of action and negligence after discovery has been completed.

WHEREFORE, Plaintiff, demands judgment against Defendants, jointly, severally and/or individually in an amount in excess of \$75,000.00 plus costs, interest, attorney fees and delay damages.

BY: _____
MARC A. WEINBERG, ESQUIRE
Pa. Atty. I.D. No. 60643
Saffren & Weinberg
815 Greenwood Avenue, Suite 22
Jenkintown, PA 19046
(215) 576-0100